

Message Text

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ACTION DLOS-07

INFO OCT-01 EA-11 NEA-14 IO-14 ISO-00 CG-00 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04

RSC-01 PRS-01 SP-03 SS-20 USIA-15 CEQ-02 COA-02

COME-00 EB-11 EPA-04 NSF-04 SCI-06 FEA-02 ACDA-19

AEC-11 AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01

TRSE-00 AF-10 DRC-01 OC-06 CCO-00 /232 W

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R 030640Z JUN 74

FM AMEMBASSY KATHMANDU

TO SECSTATE WASHDC 8495

INFO AMEMBASSY KABUL

AMEMBASSY MANILA

AMEMBASSY NEW DELHI

AMEMBASSY SINGAPORE

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 KATHMANDU 2225

USUN PASS AMBASSADOR STEVENSON

E.O. 11652: GDS

TAGS: PBOR, NP

SUBJECT: LOS:CONSULTATIONS IN KATHMANDU

1. SUMMARY: US LOS TEAM MEMBERS POLLOCK AND ESKIN MET WITH NEPALESE OFFICIALS CONCERNED WITH LOS JUNE 1 AND 2. TALKS REVEALED CONSIDERABLE INTEREST AND KNOWLEDGE WITHIN GON OF LOS ISSUES AND MAJOR CONCERN WITH ACCESS PROBLEMS. END SUMMARY.

2. POLLOCK AND ESKIN MET WITH UDDAV DEO BHATT, JOINT SECRETARY, MINISTRY OF FOREIGN AFFAIRS, TRIBHUVAN PRATAP RANA, JOINT SECRETARY, MINISTRY OF LAW AND JUSTICE; MUKUNDA PRASAD DHUNGEL, UNDER SECRETARY, MFA; AND SUNDARNATH BHATTARAI, UNDER SECRETARY, CONFIDENTIAL

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MFA. POLLOCK AND ESKIN, ACCOMPANIED BY CHARGE ALSO CALLED ON

FOREIGN SECRETARY, MAJOR GENERAL PADMA BAHADUR KHATRI.

3. US SIDE OUTLINED IN DETAIL US VIEWS ON MAJOR LOS ISSUES. ON ECONOMIC ZONE, OFFICIALS STATED NEPAL WOULD PREFER 40 MILE ZONE AS FORMULATED IN SEVEN-POWER LANDLOCKED PROPOSAL. NEPAL WOULD, HOWEVER, SUPPORT 200-MILE ECONOMIC ZONE PROVIDED THAT LANDLOCKED STATES HAVE EQUAL RIGHTS WITH COASTAL STATES TO LIVING RESOURCES WITHIN ZONE AND THAT THERE BE BENEFIT SHARING FROM EXPLOITATION OF MINERAL RESOURCES. NEPALESE OFFICIALS ARGUED THAT UNDER HIGH SEAS CONVENTION, NEPAL HAS RIGHT TO EXPLOIT FISHERIES RESOURCES BEYOND TERRITORIAL SEA AND CONTIGUOUS ZONE, AND NEPAL COULD NOT AGREE TO GIVE UP THIS RIGHT WITHOUT OBTAINING SOMETHING IN RETURN. AS PROPOSED BY NEPAL, COASTAL STATE WOULD HAVE RIGHT TO SET CONSERVATION LIMITS WITHIN ZONE, AND THESE WOULD BE BINDING ON HINTERLAND LANDLOCKED STATES, BUT LATTER WOULD HAVE RIGHT TO EXPLOIT LIVING RESOURCES WITHIN TERMS OF THESE REGULATIONS; AND THERE COULD BE NO DISCRIMINATION BETWEEN NATIONALS OF THE COASTAL STATES AND LANDLOCKED STATES. RANA, WHO ATTENDED KAMPALA AND NAIROBI CONFERENCES, STATED THAT AT LATTER MEETING LDC COASTAL STATES HAD AGREED THAT LANDLOCKED STATES COULD HAVE PREFERENTIAL RIGHT TO EXPLOIT LIVING RESOURCES IN ECONOMIC ZONE TO MEET NUTRITIONAL NEEDS BUT NOT FOR COMMERCIAL PURPOSES. NEPAL WOULD CLEARLY LIKE RIGHT TO ENTER INTO JOINT VENTURES WITH DISTANT WATER FISHING COUNTRIES IN ECONOMIC ZONE OF ADJACENT COASTAL STATES AS MATTER OF RIGHT.

4. NEPAL SUPPORTS REVENUE SHARING WITHIN ECONOMIC ZONE WITH PROCEEDS TO BE TURNED OVER TO INTERNATIONAL SEABED AUTHORITY FOR DISTRIBUTION, WITH PARTICULAR CONSIDERATION BEING GIVEN TO GEOGRAPHICALLY DISADVANTAGED STATES.

5. NEPALESE REPS STATED GON AGREES WITH US POSITIONS ON MOST ISSUES, SPECIFICALLY SCIENTIFIC RESEARCH, FISHING, PROVISIONAL APPLICATION AND DISPUTE SETTLEMENT. THEY STATED THAT NO DECISION HAD BEEN TAKEN ON STRAITS, BUT US POSITION IS UNDERSTOOD AND WILL BE SERIOUSLY CONSIDERED. ON DEEP SEABED QUESTION, MAJOR CONCERN EXPRESSED WAS THAT LANDLOCKED STATES HAVE PROPORTIONAL REPRESENTATION ON COUNCIL AND THAT REPRESENTATION NOT BE DEPENDENT UPON GEOGRAPHICAL DISTRIBUTION OF SEATS. ON PROVISIONAL APPLICATION, RANA COMMENTED THAT ONLY PROBLEM HE FORSEES IS THAT

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EACH GROUP WILL WANT TO ENSURE THAT THESE PORTIONS OF TREATY OF MAJOR CONCERN TO IT GO INTO FORCE IMMEDIATELY (I.E., LANDLOCKED STATES WILL WANT PROVISIONS AFFECTING THEIR RIGHTS OF ACCESS TO ENTER INTO FORCE PROVISIONALLY) AND THAT CONSEQUENTLY IT MAY BE NECESSARY TO HAVE THE ENTIRE TREATY BE SUBJECT TO PROVISIONAL APPLICATION.

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C O N F I D E N T I A L SECTION 2 OF 2 KATHMANDU 2225

USUN PASS AMBASSADOR STEVENSON

6. NEPALESE STRESSED THAT THEIR MAJOR CONCERN IS QUESTION OF ACCESS TO THE SEA AND TO RESOURCES OF ECONOMIC ZONE. THEY WISH TO SEE RIGHT OF FREE AND UNRESTRICTED RIGHT OF TRANSIT RECOGNIZED BY INTERNATIONAL LAW. RANA STATED NEPAL WOULD LIKE TO SEE 1965 CONVENTION ON TRANSIT TRADE COMPLETELY REPLACED BY CHAPTER ON RIGHTS ON LANDLOCKED STATES IN NEW, COMPREHENSIVE LOS TREATY. HE ALSO EXPRESSED CONCERN AS TO WHETHER IT WOULD BE POSSIBLE FOR PARTIES TO NEW TREATY TO RESERVE ON SOME PORTIONS OF TREATY. NEPALESE PRESSED US SIDE ON US POLICY ON LANDLOCKED STATES, SPECIFICALLY AS TO WHETHER US COULD SUPPORT LANDLOCKED COUNTRIES ON ISSUE OF EQUAL ACCESS TO LIVING RESOURCES IN ECONOMIC ZONE. US SIDE STATED US WISHED TO SEE A TREATY WHICH HAD BROADEST POSSIBLE SUPPORT, INCLUDING SUPPORT OF LANDLOCKED STATES AND WOULD WORK TO

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THIS END.

7. NEPALESE INDICATED THEY WOULD HAVE DELEGATION OF FOUR IN CARACAS LED BY AMBASSADOR TO UN, S.K. UPADHAYA. OTHER MEMBERS WILL BE TRIBHUVAN PRATAP RANA, MUKUNDA PRASAD DHUNGEL, AND NARENDRA V. SHAH, COUNSELOR AT NEPALESE EMBASSY IN NEW DELHI.

8. NEPALESE URGED THAT LOS CONFERENCE WORK ON CONSENSUS RULE.

9. COMMENT: TALKS WERE VERY USEFUL. NEPALESE SEEMED PLEASED TO HAVE OPPORTUNITY TO REVIEW ISSUES IN DETAIL WITH US SIDE AND BASIS HAS BEEN ESTABLISHED FOR GOOD WORKING RELATIONSHIP AT CARACAS. NEPALESE, IN PARTICULAR RANA, WERE WELL INFORMED ON ENTIRE RANGE OF LOS ISSUES AND HAD CLEARLY STUDIED US DRAFT ARTICLES AND POSITION PAPERS CAREFULLY. IT WAS EVIDENT THAT NEPAL'S VIEWS ON LOS ISSUES WILL BE INFLUENCED BY ITS ASSESSMENT ON HOW IT CAN BEST ACHIEVE ITS SPECIFIC OBJECTIVES. IT DOES NOT APPEAR THAT NEPAL HAS A SERIOUS SUBSTANTIVE PROBLEM WITH THE US STRAITS POSITION; ITS RESERVATION MAY IN FACT BE TACTICAL. NEPALESE GAVE EVERY INDICATION OF WISHING TO BE HELPFUL TO US BUT AT SAME TIME WILL LOOK FOR SUPPORT ON ISSUES IMPORTANT TO THEM.

10. DURING MEETING WITH FOREIGN SECRETARY KHATRI, IT WAS EVIDENT THAT ONE PROBLEM WHICH WILL FACE NEPAL WILL BE LACK OF COMMUNICATIONS DURING COURSE OF LOS CONFERENCE BETWEEN CARACAS AND KATHMANDU. IT WAS SUGGESTED THAT IT WOULD BE USEFUL IF US DELEGATION TO CARACAS COULD KEEP US EMBASSIES INFORMED OF MAJOR DEVELOPMENTS IN NEGOTIATIONS AND THAT THIS INFORMATION COULD BE PASSED ON TO HOST GOVERNMENTS. NEPALESE WOULD BE CLEARLY VERY RECEPTIVE TO THIS KIND OF ARRANGEMENT. IN VIEW OF FACT THAT THERE ARE PROBABLY NUMEROUS OTHER COUNTRIES WITH SIMILAR COMMUNICATIONS PROBLEMS, WE SUGGEST THAT DEPARTMENT CONSIDER PROVIDING US MISSIONS WITH CURRENT HIGHLIGHTS OF DEVELOPMENTS DURING COURSE OF CARACAS CONFERENCE IN FORM WHICH COULD BE PASSED TO HOST COUNTRIES IF THIS IS CONSIDERED USEFUL LOCALLY.
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